

**JURISDICTIONAL DETERMINATION DECISION DOCUMENT**  
U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** BC Real Estate 2, LLC **PROJECT LOCATION/WATERWAY:** North Of Grass Lake Road And West Of Deep Lake Road Near Lake Villa, Lake County, Illinois (Section 28, T46N, R10E)

**FILE NUMBER:** 200500575 **PROJECT REVIEW COMPLETED:** ☐ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☐ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☒ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- ☒ The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

**Information Reviewed**

- ☐ U. S. Fish and Wildlife Service National Wetland Inventory: \_\_\_\_\_
- ☐ U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_
- ☐ USDA Natural Resources Conservation Service Soil Survey for Lake County.
- ☐ U. S. Geological Survey 7.5 Minute Topographic Maps: \_\_\_\_\_
- ☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_
- ☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_
- ☐ Aerials (Name & Date): \_\_\_\_\_
- ☐ Advanced Identification Wetland Maps: \_\_\_\_\_
- ☒ Site Visit Conducted on: April 29, 2005
- ☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** Wetland 2, as referenced in your delineation report, is located on the northern portion of the property and is hydrologically connected to East Loon Lake, which drains to the Fox River, a navigable waterway. Wetland 1 and Wetland 3 located on the southern portion of the property did not exhibit a hydrological connection to a navigable water and are therefore not under the jurisdiction of this office.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other                                 |
| <input checked="" type="checkbox"/> wetland boundary               |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - ☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☒ This office concurs with your wetland delineation report dated March 30, 2005, prepared by Christopher B. Burke Engineering, Ltd.
- ☐ This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_

Date: \_\_\_\_\_

**ORIGINAL SIGNED**

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:**

**REGULATORY PROJECT MANAGER:** Paul Leffler **Date:** May 27, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **Date:**  
 At the project site Y (Y/N) **Date:** April 29, 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Lake  
**Center coordinates of site by latitude & longitudinal coordinates:** 42 -26-36.2478 88 -4-4.8244  
**Approximate size of site/property (including uplands & in acres):** 20  
**Name of waterway or watershed:** Fox River

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

## APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Land and Lakes Company PROJECT LOCATION/WATERWAY: 138<sup>th</sup> Street west of Indiana Avenue,  
Chicago, Cook County, Illinois/Little Calumet River

FILE NUMBER: 200500292 PROJECT REVIEW COMPLETED: ☒ Office ☒ Field

Approved Jurisdictional Determination (JD) (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☒ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

## Basis of Jurisdictional Determination:

- ☒ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

## Information Reviewed

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: LAKE CALUMET.  
☐ U. S. Geological Survey Hydrologic Atlas: LAKE CALUMET, 205.  
☐ USDA Natural Resources Conservation Service Soil Survey for Cook County.  
☒ U. S. Geological Survey 7.5 Minute Topographic Maps: LAKE CALUMET, 1991.  
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_  
☐ Aerials (Name & Date): \_\_\_\_\_  
☐ Advanced Identification Wetland Maps: \_\_\_\_\_  
☐ Site Visit Conducted on: December 9, 2004  
☐ Other information:

Rationale for Basis (applies to any boxes checked above): The property contains an excavated basin that is completely enclosed and has no connection to the Little Calumet River therefore it is non-jurisdictional.

## Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- ☐ clear, natural line impressed on the bank ☐ destruction of terrestrial vegetation  
☐ the presence of litter and debris ☐ shelving  
☐ changes in the character of soil ☐ other:  
☐ wetland boundary

## Basis for Declining Jurisdiction:

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

## Confirmation of Wetland Boundaries

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_  
☐ This office does not confirm your wetland boundary.

Recommended by: JS Date: 5-15-09

Approved by: JS Date: 5-25-09

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500292

**REGULATORY PROJECT MANAGER:** Diedra Willis

**Date:** February 15, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office Y (Y/N) **Date:** February 15, 2005  
 At the project site Y (Y/N) **Date:** December 9, 2004

**PROJECT LOCATION INFORMATION:**

State: Illinois  
 County: Cook  
 Center coordinates of site by latitude & longitudinal coordinates: 41-38-50.3865 & 87-36-13.6399  
 Approximate size of site/property (including uplands & in acres): 9 acres  
 Name of waterway or watershed: Little Calumet River

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup>                    | 0-1 ac                   | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                             |
|----------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|-------------------------------------|
| Lake                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| River                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Stream                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Dry Wash                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Mudflat                                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Sandflat                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Wetlands                                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Slough                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Prairie pothole                                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Wet meadow                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Playa lake                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Vernal pool                                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Natural pond                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/>            |
| Other water (identify type)<br>open water excavated pond | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input checked="" type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):**

**APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT**

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Paul Loeber **PROJECT LOCATION/WATERWAY:** 2114 and 2710 South Meacham Road, Schaumburg, Cook County, Illinois, Salt Creek/Des Plaines River Watershed**FILE NUMBER:** 200400940**PROJECT REVIEW COMPLETED:** ☐ Office ☒ Field**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☐ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☒ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☒ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☒ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: STREAMWOOD.  
☒ U. S. Geological Survey Hydrologic Atlas: STREAMWOOD, HA 203.  
☒ USDA Natural Resources Conservation Service Soil Survey for Cook County.  
☒ U. S. Geological Survey 7.5 Minute Topographic Maps: STREAMWOOD, 1993.  
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.  
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.  
☐ Aerials (Name & Date): \_\_\_\_\_  
☐ Advanced Identification Wetland Maps: \_\_\_\_\_  
☐ Site Visit Conducted on: May 12, 2004  
☐ Other information:

**Rationale for Basis (applies to any boxes checked above):**

Salt Creek flows through the property and is a Waters of the U.S. The nearby pond is an isolated depression with no hydrologic connection to the Creek.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                               |                                                                |
|-------------------------------------------------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris                    | <input checked="" type="checkbox"/> shelving                   |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                                     |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of IIQ rationale]

**Confirmation of Wetland Boundaries**

- ☒ This office concurs with your wetland delineation report dated July 20, 2004 and the revised jurisdictional boundaries dated May 12, 2005, prepared by Cowhey, Gudmundson & Leder.  
☐ This office does not confirm your wetland boundary.

**Recommended by:**                     -5-                    **Date:**                     5/23/05                    **Approved by:**                     -5-                    **Date:**                     5/25/05                    

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200400940

**REGULATORY PROJECT MANAGER:** Kathy Chernich **Date:** May 19, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office** (Y/N) **Date:**  
**At the project site** Y (Y/N) **Date:** May 12, 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Cook  
**Center coordinates of site by latitude & longitudinal coordinates:** 4658443 N, 413501 E, 42N, 10E  
**Approximate size of site/property (including uplands & in acres):** 33  
**Name of waterway or watershed:** Des Plaines

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                              | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                            |                                     | If Unknown<br>Use Best Professional Judgment |                          |                                |
|---------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|----------------------------------------------|--------------------------|--------------------------------|
|                                                                                 | Yes                                 | No                                  | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>                     | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>                     | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input type="checkbox"/>       |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):**

## APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Sami Bader

PROJECT LOCATION/WATERWAY: 10 acre Property in Homer Glen, Will

County, IL (NE 1/4 Sec 35 T36N R11E)

FILE NUMBER: 200500158

PROJECT REVIEW COMPLETED: ☐ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☒ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☒ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: MOKENA.  
☒ U. S. Geological Survey Hydrologic Atlas: MOKENA, 204.  
☒ USDA Natural Resources Conservation Service Soil Survey for Will County.  
☒ U. S. Geological Survey 7.5-Minute Topographic Maps: MOKENA, 1993.  
☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_  
☐ Aerials (Name & Date): \_\_\_\_\_  
☐ Advanced Identification Wetland Maps: \_\_\_\_\_  
☒ Site Visit Conducted on: 5 MAY 2005  
☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** The identified 1.8-acre wetland is an isolated wetland in the Marley Creek watershed to the Des Plaines River and is not jurisdictional. NO PERMIT REQUIRED.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                          |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_  
☒ This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500158

**REGULATORY PROJECT MANAGER:** Ron Abrant

**Date:** 24 MAY 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **Date:**  
 At the project site (Y/N) **Date:** 5 MAY 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41-33-59 / 87-56-04  
**Approximate size of site/property (including uplands & in acres):** 10  
**Name of waterway or watershed:** Marley Creek / Des Plaines

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                              | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):



**APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT**

U.S. Army Corps of Engineers, Chicago District

APPLICANT: Peter Andriopoulos PROJECT LOCATION/WATERWAY: Algonquin, McHenry Co.

FILE NUMBER: 200500506 PROJECT REVIEW COMPLETED: ☐ Office ☐ Field

Approved Jurisdictional Determination (JD) (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☒ There are no waters on the project site.  
☐ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: CRYSTAL LAKE.  
☒ U. S. Geological Survey Hydrologic Atlas: CRYSTAL LAKE, HA 253.  
☒ USDA National Resources Conservation Service Soil Survey for McHenry County.  
☐ U. S. Geological Survey 7.5 Minute Topographic Maps: \_\_\_\_\_  
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_  
☒ Aerial Photographs (Name & Date): 2002  
☒ Advanced Identification Wetland Maps: MCHENRY COUNTY..  
☒ Site Visit Conducted on: April 14, 2005  
☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** The wetland on the subject property is isolated and therefore not regulated by the Department of the Army.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                          |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_  
☒ This office does not confirm your wetland boundary

Recommended by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: 5/23/05

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500506

**REGULATORY PROJECT MANAGER:** Kate Bliss

**Date:** 5/20/05

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date:  
 At the project site Y (Y/N) Date: 4/19/05

**PROJECT LOCATION INFORMATION:**

State: Illinois  
 County: McHenry  
 Center coordinates of site by latitude & longitudinal coordinates: 42-9-15.1689, 88-15-53.0102  
 Approximate size of site/property (including uplands & in acres): 2.5  
 Name of waterway or watershed:

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                            |                          | If Unknown<br>Use Best Professional Judgment |                                     |                                |
|---------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------------------------------------|-------------------------------------|--------------------------------|
|                                                                                 | Yes                                 | No                       | Predicted to Occur                           | Not Expected to Occur               | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

## APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** HAS Commercial Real Estate **PROJECT LOCATION/WATERWAY:** West of the intersection of Church and Bilter Roads in Aurora, Kane County, Illinois (Section 2, T38N R8E)

**FILE NUMBER:** 200500652 **PROJECT REVIEW COMPLETED:** ☒ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☒ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: AURORA NORTH.  
☐ U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_  
☒ USDA Natural Resources Conservation Service Soil Survey for Kane County.  
☒ U. S. Geological Survey 7.5 Minute Topographic Maps: AURORA NORTH, 1993.  
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_  
☒ Aerial Photographs (Name & Date): USGS April 10, 2002  
☒ Advanced Identification Wetland Maps: KANE COUNTY  
☒ Site Visit Conducted on: May 5, 2005 by Jaimee W. Hammit of the USACE, Chicago District  
☒ Other information: FEMA FIRM, ENCAP Wetland Delineation Report, dated April 26, 2005

**Rationale for Basis (applies to any boxes checked above):** Wetlands 1 and 2 do not have a surface water tributary system connection and are isolated. Therefore, Wetlands 1 and 2 are not under the jurisdiction of the U.S. Army Corps of Engineers. Investigated Areas 3 and 4 may meet all three criteria for wetland and should be investigated further. Investigated Areas 3 and 4 would still be isolated though and not under the jurisdiction of the U.S. Army Corps of Engineers.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soils         | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                          |                                                                |

**Basis for Declining Jurisdiction:**

- ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_  
☐ This office does not confirm your wetland boundary.

**Recommended by:** \_\_\_\_\_ **Date:** 5/19/05

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500652

**REGULATORY PROJECT MANAGER:** Jaimee Hammit **Date:** 05/19/05

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **Date:** 05/19/05  
 At the project site (Y/N) **Date:** 05/05/05

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Kane  
**Center coordinates of site by latitude & longitudinal coordinates:** Lat: 41-48-25, Lon: 88-17-17  
**Approximate size of site/property (including uplands & in acres):** 30 acres  
**Name of waterway or watershed:** Fox River

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                                     |                                |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|-------------------------------------|--------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur               | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

**APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT**

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** HV Manufacturing Co. **PROJECT LOCATION/WATERWAY:** Vacant Property Located At 1197 Willis Avenue In Wheeling, Cook County, Illinois (Section 14, T42N, R11E)**FILE NUMBER:** 200500583**PROJECT REVIEW COMPLETED:** ☒ Office ☒ Field**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☒ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☒ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☐ U. S. Fish and Wildlife Service National Wetland Inventory: \_\_\_\_\_  
☐ U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_  
☐ USDA Natural Resources Conservation Service Soil Survey for Cook County.  
☐ U. S. Geological Survey 7.5 Minute Topographic Maps: \_\_\_\_\_  
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_  
☐ Aerials (Name & Date): \_\_\_\_\_  
☐ Advanced Identification Wetland Maps: \_\_\_\_\_  
☒ Site Visit Conducted on: May 10, 2005  
☐ Other information:

**Rationale for Basis (applies to any boxes checked above):**

There is a wetland on the eastern portion of the property and a drainage swale on the southern portion of the property, however they do not exhibit a traceable hydrologic connection to a navigable water.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                          |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_  
☐ This office does not confirm your wetland boundary.

**Recommended by:**                     - S -                     **Date:** 5/16/05**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500583

**REGULATORY PROJECT MANAGER:** Paul Leffler

**Date:** May 16, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**      **In the office**      (Y/N)      **Date:**  
                                                                                  **At the project site**      (Y/N)      **Date:** May 10, 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Cook  
**Center coordinates of site by latitude & longitudinal coordinates:** 42 -9 -31.7066    87 -56 -17.7161  
**Approximate size of site/property (including uplands & in acres):** 10  
**Name of waterway or watershed:** Des Plaines

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

## APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Lester Jacobowski **PROJECT LOCATION/WATERWAY:** 0.08 Acre Pond at 171 South Potteet in Inverness, Cook County, Illinois (Section 20, T42N, R10E).

**FILE NUMBER:** 200500592**PROJECT REVIEW COMPLETED:** ☐ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☒ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☒ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: PALATINE.  
☐ U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_  
☐ USDA Natural Resources Conservation Service Soil Survey for Cook County.  
☒ U. S. Geological Survey 7.5 Minute Topographic Maps: PALATINE, 1993.  
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_  
☐ Aerials (Name & Date): \_\_\_\_\_  
☐ Advanced Identification Wetland Maps: \_\_\_\_\_  
☒ Site Visit Conducted on: 10 May 2005  
☐ Other information:

**Rationale for Basis (applies to any boxes checked above):**

Pond does not appear to be hydrologically connected to navigable waters and is not under jurisdiction of this office.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                          |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.  
☐ This office does not confirm your wetland boundary.

**Recommended by:** -5- **Date:** 16 May 05

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<sup>1</sup> Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500592

**REGULATORY PROJECT MANAGER:** Steve Gagnon

**Date:** 12 May 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date:  
 At the project site Y (Y/N) Date: 10 May 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Cook  
**Center coordinates of site by latitude & longitudinal coordinates:** 42 -6-33.4713; 88 -5-55.3664  
**Approximate size of site/property (including uplands & in acres):** 1  
**Name of waterway or watershed:** Des Plaines

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (Identify type)           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Excavated Pond                        |                                     |                          |                          |                          |                          |                          |                          |             |                          |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                            |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                                 | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):



# APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Mr. & Mrs. Shroka **PROJECT LOCATION/WATERWAY:** South Of IL Route 120 And 1/2 Of A Mile East Of IL Route 137 In Grayslake, Lake County, Illinois (Section 26, T45N, R10E)

**FILE NUMBER:** 200500449 **PROJECT REVIEW COMPLETED:** ☒ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☒ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☐ There are both waters of the United States and non-jurisdictional waters on the project site.

## Basis of Jurisdictional Determination:

- ☒ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- ☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

## Information Reviewed

- ☐ U. S. Fish and Wildlife Service National Wetland Inventory: \_\_\_\_\_
- ☐ U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_
- ☒ USDA Natural Resources Conservation Service Soil Survey for Lake County.
- ☒ U. S. Geological Survey 7.5 Minute Topographic Maps: GRAYSLAKE, 1993.
- ☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_
- ☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_
- ☒ Aerials (Name & Date): 2004
- ☒ Advanced Identification Wetland Maps: \_\_\_\_\_
- ☒ Site Visit Conducted on: March 29, 2005
- ☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** The wetland areas highlighted in your submittal do not exhibit an identifiable hydrologic connection to a navigable waterway, such as the Des Plaines River

## Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- ☐ clear, natural line impressed on the bank
- ☐ the presence of litter and debris
- ☐ changes in the character of soil
- ☐ wetland boundary
- ☐ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other

## Basis for Declining Jurisdiction:

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - ☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

## Confirmation of Wetland Boundaries

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_
- ☒ This office does not confirm your wetland boundary

Recommended by **ORIGINAL SIGNED** Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: 12 May 05

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:**

**REGULATORY PROJECT MANAGER:** Paul Leffler

**Date:** May 11, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **Date:**  
 At the project site (Y/N) **Date:** March 29, 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Lake  
**Center coordinates of site by latitude & longitudinal coordinates:** 42 -20-12.8799 88 -1-19.1808  
**Approximate size of site/property (including uplands & in acres):** 20  
**Name of waterway or watershed:** Des Plaines

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                              | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

# APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Rachel Ridge

**PROJECT LOCATION/WATERWAY:** Northwest of the Intersection of Laraway Road and Spencer Road Near New Lenox, Will County, Illinois

**FILE NUMBER:** 200500420

**PROJECT REVIEW COMPLETED:** ☒ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☒ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☐ There are both waters of the United States and non-jurisdictional waters on the project site.

## Basis of Jurisdictional Determination:

- ☐ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- ☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

## Information Reviewed

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: MANHATTAN.
- ☒ U. S. Geological Survey Hydrologic Atlas: MANHATTAN, 211.
- ☒ USDA Natural Resources Conservation Service Soil Survey for Will County.
- ☒ U. S. Geological Survey 7.5-Minute Topographic Maps: MANHATTAN, 1990.
- ☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_.
- ☒ Aerials (Name & Date): New Lenox, 1998
- ☒ Advanced Identification Wetland Maps: \_\_\_\_\_.
- ☒ Site Visit Conducted on: May 3, 2005
- ☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** The farmed wetland located on the subject property is isolated and therefore not jurisdictional.

## Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- ☐ clear, natural line impressed on the bank
- ☐ the presence of litter and debris
- ☐ changes in the character of soil
- ☐ wetland boundary
- ☐ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other:

## Basis for Declining Jurisdiction:

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - ☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

## Confirmation of Wetland Boundaries

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- ☐ This office does not confirm your wetland boundary

**Recommended by:** — S — **Date:** 10 May 05

**Approved by:** — S — **Date:** 10 May 05

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500420

**REGULATORY PROJECT MANAGER:** Melyssa Cruz **Date:** 10 May 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office** (Y/N) **Date:**  
**At the project site** Y (Y/N) **Date:** 10 May 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41-29-4.9989 & 87-57-0.0482  
**Approximate size of site/property (including uplands & in acres):**  
**Name of waterway or watershed:** Des Plaines

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|--------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):**

**APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT**

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Planned Development & Construction **PROJECT LOCATION/WATERWAY:** Parcel located south of Powers Road in Huntley, Kane County, Illinois (NW 1/4 of Section 10, T42N R7E)**FILE NUMBER:** 200500543 **PROJECT REVIEW COMPLETED:** ☒ Office ☒ Field**Approved Jurisdictional Determination (JD)** (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☒ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: HUNTLEY.  
☒ U. S. Geological Survey Hydrologic Atlas: HUNTLEY, HA 361.  
☒ USDA Natural Resources Conservation Service Soil Survey for Kane County.  
☒ U. S. Geological Survey 7.5 Minute Topographic Maps: HUNTLEY, 1992.  
☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_  
☒ Aerial Photographs (Name & Date): Google Maps  
☒ Advanced Identification Wetland Maps: KANE COUNTY  
☒ Site Visit Conducted on: April 19, 2005 by Jaimee W. Hammit of the USACE, Chicago District  
☒ Other information: FEMA FIRM, NRCS Certified Wetland Determination

**Rationale for Basis (applies to any boxes checked above):** Wetlands 1 - 10 (designated as such by Ehorn Environmental, Ltd. in the March 2005 Wetland Delineation Report) are all isolated as they do not have a surface water tributary system connection. Therefore, Wetlands 1 - 10 are not under the jurisdiction of the U.S. Army Corps of Engineers.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soils         | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                          |                                                                |

**Basis for Declining Jurisdiction:**

- ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_  
☐ This office does not confirm your wetland boundary.

**Recommended by:** \_\_\_\_\_**Date:** 5/9/05**Approved by:** \_\_\_\_\_**Date:** 10 May 05**ORIGINAL SIGNED**

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500543

**REGULATORY PROJECT MANAGER:** Jaimee Hammit **Date:** 5/9/05

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **Date:** 5/9/05  
 At the project site (Y/N) **Date:** 4/19/05

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Kane  
**Center coordinates of site by latitude & longitudinal coordinates:** Lat: 42-8-12, Lon: 88-22-45  
**Approximate size of site/property (including uplands & in acres):** 68 acres  
**Name of waterway or watershed:** Kishwaukee River

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                            | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                                     |                                |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|-------------------------------------|--------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur               | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

# APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Clarke Real Estate **PROJECT LOCATION/WATERWAY:** 78.2 Acre Parcel at Center and Steger Roads in Frankfort, Will County, IL (SW 1/4 Sec 34 T35N R12E)

**FILE NUMBER:** 200500093 **PROJECT REVIEW COMPLETED:** ☒ Office ☐ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☐ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☒ There are both waters of the United States and non-jurisdictional waters on the project site.

## Basis of Jurisdictional Determination:

- ☐ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- ☒ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

## Information Reviewed

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: FRANKFORT.
- ☒ U. S. Geological Survey Hydrologic Atlas: FRANKFORT, 231.
- ☒ USDA Natural Resources Conservation Service Soil Survey for Will County.
- ☒ U. S. Geological Survey 7.5-Minute Topographic Maps: FRANKFORT, 1990.
- ☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_
- ☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_
- ☐ Aerials (Name & Date): \_\_\_\_\_
- ☐ Advanced Identification Wetland Maps: \_\_\_\_\_
- ☐ Site Visit Conducted on: \_\_\_\_\_
- ☒ Other information: 200400726 - Letter dated 25 AUG 2004

**Rationale for Basis (applies to any boxes checked above):** Wetland A (approximately 2.91 acres) is hydrologically connected to the West Fork of the West Branch of the Hickory Creek Tributary to the Des Plaines River, a navigable "waters of the United States". Wetland B (approximately 1.2 acres) is isolated and therefore not jurisdictional.

## Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- ☒ clear, natural line impressed on the bank
- ☒ the presence of litter and debris
- ☒ changes in the character of soil
- ☒ wetland boundary
- ☒ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other:

## Basis for Declining Jurisdiction:

- ☐ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - ☐ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

## Confirmation of Wetland Boundaries

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_
- ☒ This office does not confirm your wetland boundary

**Recommended by:** \_\_\_\_\_ **Date:** 5 MAY 05

**Approved by:** \_\_\_\_\_ **Date:** 10 May 05

**ORIGINAL SIGNED**

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500093

**REGULATORY PROJECT MANAGER:** Ron Abrant

**Date:** 6 MAY 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date: 6 MAY 2005  
 At the project site (Y/N) Date:

**PROJECT LOCATION INFORMATION:**

State: Illinois  
 County: Will  
 Center coordinates of site by latitude & longitudinal coordinates: 41-28-15 / 87-50-35  
 Approximate size of site/property (including uplands & in acres): 78  
 Name of waterway or watershed: Hickory Creek / Des Plaines River

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                              | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):



# APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Ryland Hornes

**PROJECT LOCATION/WATERWAY:** 189-acre Webb/Young Property (Formerly Montalbano 200300389) along Fraction Run Creek in Lockport, Will County, IL (North 1/2 Sec 36 T36N R10E)

**FILE NUMBER:** 200400690

**PROJECT REVIEW COMPLETED:** ☒ Office ☐ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☐ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☒ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☒ The presence of a tributary to an interstate water or other water of the U.S. (33 CFR 328.3 (a)(5))
- ☒ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the U.S., except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: JOLIET.
- ☒ U. S. Geological Survey Hydrologic Atlas: JOLIET, 89.
- ☒ USDA Natural Resources Conservation Service Soil Survey for Will County.
- ☒ U. S. Geological Survey 7.5-Minute Topographic Maps: JOLIET, 1993.
- ☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ Aerials (Name & Date): \_\_\_\_\_.
- ☐ Advanced Identification Wetland Maps: \_\_\_\_\_.
- ☐ Site Visit Conducted on: \_\_\_\_\_.
- ☐ Other information: \_\_\_\_\_.

**Rationale for Basis (applies to any boxes checked above):** Wetlands 1 and 2 are adjacent to Fraction Run Creek flowing through the property. Fraction Run Creek is a tributary to the I & M Canal, a navigable waters of the U.S. The recently identified 1.5 acre farmed wetland in the southeast portion of the site is isolated from Fraction Run and is not jurisdictional.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- ☒ clear, natural line impressed on the bank
- ☒ destruction of terrestrial vegetation
- ☐ the presence of litter and debris
- ☐ shelving
- ☒ changes in the character of soil
- ☐ other:
- ☒ wetland boundary

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - ☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- ☒ This office does not confirm your wetland boundary

**Recommended by:** \_\_\_\_\_

**Date:** 24 MAY 08

**Approved by:** \_\_\_\_\_

**Date:** 24 MAY 08

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200400690

**REGULATORY PROJECT MANAGER:** Ron Abrant

**Date:** 24 May 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office**  
**At the project site**

(Y/N)  
(Y/N)

**Date:** 24 May 2005

**Date:**

**PROJECT LOCATION INFORMATION:**

**State:**

Illinois

**County:**

Will

**Center coordinates of site by latitude & longitudinal coordinates:**

41-33-58 / 88-02-05

**Approximate size of site/property (including uplands & in acres):**

189

**Name of waterway or watershed:**

Fraction Run Creek / I & M Canal

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                              | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                                     |                                     |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur               | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

# APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Georgiou Partnership **PROJECT LOCATION/WATERWAY:** 191<sup>st</sup> Street and 88<sup>th</sup> Avenue along Union Drainage Ditch in Mokena, Will County, IL (S 1/2 Sec 2 T35N R12E)

**FILE NUMBER:** 200400799

**PROJECT REVIEW COMPLETED:** ☐ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☐ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☒ There are both waters of the United States and non-jurisdictional waters on the project site.

## Basis of Jurisdictional Determination:

- ☐ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☒ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- ☒ The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

## Information Reviewed

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: TINLEY PARK.
- ☒ U. S. Geological Survey Hydrologic Atlas: TINLEY PARK, 152.
- ☒ USDA Natural Resources Conservation Service Soil Survey for Will County.
- ☒ U. S. Geological Survey 7.5-Minute Topographic Maps: TINLEY PARK, 1993.
- ☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ Aerials (Name & Date): \_\_\_\_\_.
- ☐ Advanced Identification Wetland Maps: \_\_\_\_\_.
- ☒ Site Visit Conducted on: 13 MAY 2004
- ☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** The tributary of Union Drainage Ditch flowing through the site is tributary to the Des Plaines River and is a jurisdictional waters of the U.S. Wetlands 1,2,3, and 4 are isolated wetlands in the Union Drainage Ditch watershed.

## Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- ☒ clear, natural line impressed on the bank
- ☐ the presence of litter and debris
- ☒ changes in the character of soil
- ☒ wetland boundary
- ☐ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other:

## Basis for Declining Jurisdiction:

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - ☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

## Confirmation of Wetland Boundaries

- ☒ This office concurs with your wetland delineation report dated June 1, 2004, prepared by CBBEL.
- ☐ This office does not confirm your wetland boundary

**Recommended by:** \_\_\_\_\_

**Date:** 25 MAY 05

**Approved by:** \_\_\_\_\_

**Date:** 25 MAY 05

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200400799

**REGULATORY PROJECT MANAGER:** Ron Abrant

**Date:** 25 MAY 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**      **In the office**      **(Y/N)**      **Date:**  
                                                                                  **At the project site**      **(Y/N)**      **Date:** 13 MAY 2004

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41-32-49 / 87-49-27  
**Approximate size of site/property (including uplands & in acres):** 160  
**Name of waterway or watershed:** Union Drainage Ditch / DPR

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                   | 3-5 ac                   | 5-10 ac                             | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear<br>feet | Unknown                  |
|---------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|----------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                         | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                    | Yes                      | No                       | Predicted<br>to Occur                        | Not Expected to<br>Occur | Not Able To Make<br>Determination   |
| Is or would be used as habitat for birds protected by<br>Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that<br>cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

## APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** TWJ Associates  
 Kings Road in Crete, Will County, Illinois

**PROJECT LOCATION/WATERWAY:** Northeast Corner of Exchange Street and

**FILE NUMBER:** 200401029

**PROJECT REVIEW COMPLETED:** ☒ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☐ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☒ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☒ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☒ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: STEGER.  
☒ U. S. Geological Survey Hydrologic Atlas: STEGER, 209.  
☒ USDA Natural Resources Conservation Service Soil Survey for Will County.  
☒ U. S. Geological Survey 7.5-Minute Topographic Maps: STEGER, 1990.  
☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_  
☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_  
☒ Aerials (Name & Date): Crete, 2001  
☒ Advanced Identification Wetland Maps: \_\_\_\_\_  
☒ Site Visit Conducted on: May 19, 2005  
☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** Intermittent tributaries 1-3 and Wetland C are tributaries to Deer Creek. Wetland A and Wetland B drain into Wetland C via underground tiles and are therefore hydrologically connected. Wetland E is adjacent to Wetland C and is therefore jurisdictional. Wetland D is isolated and therefore not jurisdictional. Deer Creek drains into Thorn Creek. Thorn Creek discharges into the Little Calumet River which then flows into the Calumet River a navigable waters of the U.S.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- ☒ clear, natural line impressed on the bank  
☐ the presence of litter and debris  
☐ changes in the character of soil  
☐ wetland boundary  
☐ destruction of terrestrial vegetation  
☐ shelving  
☐ other:

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☒ This office concurs with your wetland delineation report dated May 15, 2005, prepared by Planning Resources.  
☐ This office does not confirm your wetland boundary

**Recommended by:** — S — **Date:** 31 May 05

**Approved by:** — J — **Date:** 31 May 05

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200401029

**REGULATORY PROJECT MANAGER:** Melyssa Cruz **Date:** 31 May 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) **Date:**  
 At the project site Y (Y/N) **Date:** May 15, 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41.26.42.03 & 87.38.55.45  
**Approximate size of site/property (including uplands & in acres):**  
**Name of waterway or watershed:** Lake Michigan

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                              | 1-3 ac                   | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                          |                                |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|--------------------------|--------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>       |

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

**APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT**  
U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Premier Property Group **PROJECT LOCATION/WATERWAY:** Woodstock, McHenry Co.

**FILE NUMBER:** 200500424 **PROJECT REVIEW COMPLETED:** ☐ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☐ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☒ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☐ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- ☒ The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☒ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: WOODSTOCK.
- ☐ U. S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
- ☒ USDA National Resources Conservation Service Soil Survey for McHenry County.
- ☒ U. S. Geological Survey 7.5 Minute Topographic Maps: WOODSTOCK, 1992.
- ☐ U. S. Geological Survey 7.5 Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ U. S. Geological Survey 15 Minute Historic Quadrangles: \_\_\_\_\_.
- ☒ Aerial Photographs (Name & Date): 2001
- ☒ Advanced Identification Wetland Maps: MCHENRY COUNTY..
- ☐ Site Visit Conducted on:
- ☐ Other information:

**Rationale for Basis (applies to any boxes checked above):** Wetland 1 is tributary to the Kishwaukee River, which is tributary to the Rock River, a navigable waterway. Wetlands 2, 3, 4, 5 and Farmed Wetland 6 are isolated and therefore not regulated by the Department of the Army.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other:                                |
| <input checked="" type="checkbox"/> wetland boundary               |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
  - ☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
  - ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☒ This office concurs with your wetland delineation report dated December 1, 2004, prepared by Hey and Associates, Inc.
- ☐ This office does not confirm your wetland boundary

**Recommended by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_ **Date:** 5/3/05

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500424

**REGULATORY PROJECT MANAGER:** Kate Bliss

**Date:** 5/30/05

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date:  
 At the project site Y (Y/N) Date: 3/24/05

**PROJECT LOCATION INFORMATION:**

State: Illinois  
 County: McHenry  
 Center coordinates of site by latitude & longitudinal coordinates: 42-17-9.2068, 88-26-7.8631  
 Approximate size of site/property (including uplands & in acres): 43  
 Name of waterway or watershed: Kishwaukee

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                   | 3-5 ac                              | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                            |                          | If Unknown<br>Use Best Professional Judgment |                                     |                                |
|---------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------------------------------------|-------------------------------------|--------------------------------|
|                                                                                 | Yes                                 | No                       | Predicted to Occur                           | Not Expected to Occur               | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):



# APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** IUOE Local 150      **PROJECT LOCATION/WATERWAY:** 306-acre property as part of former Joliet Arsenal in unincorporated Wilmington, Will County, IL (SE 1/4 Sec 16 T33N R10E)  
**FILE NUMBER:** 200500254      **PROJECT REVIEW COMPLETED:** ☐ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.
- ☒ There are non-jurisdictional waters on the project site.
- ☐ There are waters of the United States on the project site.
- ☐ There are both waters of the United States and non-jurisdictional waters on the project site.

## Basis of Jurisdictional Determination:

- ☒ There are no jurisdictional waters of the United States present on the project site.
- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))
- ☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))
- ☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))
- ☐ The presence of wetlands adjacent<sup>2</sup> (bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))
- ☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ Other:
- ☐ Section 10 waterway.

## Information Reviewed

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: SYMERTON.
- ☒ U. S. Geological Survey Hydrologic Atlas: SYMERTON, 305.
- ☒ USDA Natural Resources Conservation Service Soil Survey for Will County.
- ☒ U. S. Geological Survey 7.5-Minute Topographic Maps: SYMERTON, 1993.
- ☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_.
- ☐ Aerials (Name & Date): \_\_\_\_\_.
- ☐ Advanced Identification Wetland Maps: \_\_\_\_\_.
- ☐ Site Visit Conducted on: \_\_\_\_\_.
- ☐ Other information: \_\_\_\_\_.

**Rationale for Basis (applies to any boxes checked above):** The three wetlands identified onsite are isolated wetlands in the watershed of the Jordan Creek tributary to the Kankakee River. NO JURISDICTION. NO PERMIT REQUIRED.

## Lateral Extent of Jurisdiction (33 CFR 328 and 329):

Ordinary High Water Mark indicated by:

- ☐ clear, natural line impressed on the bank
- ☐ the presence of litter and debris
- ☐ changes in the character of soil
- ☐ wetland boundary
- ☐ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other:

## Basis for Declining Jurisdiction:

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)
- ☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria
- ☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

## Confirmation of Wetland Boundaries

- ☐ This office concurs with your wetland delineation report dated \_\_\_\_\_, prepared by \_\_\_\_\_.
- ☐ This office does not confirm your wetland boundary

**Recommended by:** \_\_\_\_\_ **Date:** 23 May 05

**Approved by:** \_\_\_\_\_ **Date:** 24 May 05

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup> Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500254

**REGULATORY PROJECT MANAGER:** Ron Abrant

**Date:** 23 May 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**      **In the office**      (Y/N)      **Date:**  
                                                                                  **At the project site**      (Y/N)      **Date:** 19 May 2005

**PROJECT LOCATION INFORMATION:**

**State:** Illinois  
**County:** Will  
**Center coordinates of site by latitude & longitudinal coordinates:** 41-20-37 / 88-4-41  
**Approximate size of site/property (including uplands & in acres):** 306  
**Name of waterway or watershed:** Jordan Creek tributary to Kankakee

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                   | 3-5 ac                   | 5-10 ac                             | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                            |                          | If Unknown<br>Use Best Professional Judgment |                          |                                     |
|---------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------------------------------------|--------------------------|-------------------------------------|
|                                                                                 | Yes                                 | No                       | Predicted to Occur                           | Not Expected to Occur    | Not Able To Make Determination      |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input type="checkbox"/>            |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/>            |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

## APPROVED JURISDICTIONAL DETERMINATION DECISION DOCUMENT

U.S. Army Corps of Engineers, Chicago District

**APPLICANT:** Bonsteel, Ferris and Nash **PROJECT LOCATION/WATERWAY:** Pheasant Ridge in Homer TWP, Will County, IL in the Fraction Run watershed to the Des Plaines River

**FILE NUMBER:** 200500128**PROJECT REVIEW COMPLETED:** ☐ Office ☒ Field

**Approved Jurisdictional Determination (JD)** (For Sites regulated under 33 CFR 320-330). An approved JD is an appealable action. (33 CFR 331.2)

Based on available information:

- ☐ There are no waters on the project site.  
☒ There are non-jurisdictional waters on the project site.  
☐ There are waters of the United States on the project site.  
☐ There are both waters of the United States and non-jurisdictional waters on the project site.

**Basis of Jurisdictional Determination:**

- ☒ There are no jurisdictional waters of the United States present on the project site.  
☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e., navigable waters of the U.S.) (33 CFR 328.3(a)(1))  
☐ The presence of interstate waters (including interstate wetlands<sup>1</sup>). (33 CFR 328.3 (a)(2))  
☐ The presence of a tributary to an interstate water or other water of the US. (33 CFR 328.3 (a)(5))  
☐ The presence of wetlands adjacent<sup>2</sup> ( bordering, contiguous, or neighboring) to interstate or other waters of the US, except for those wetlands adjacent to other wetlands. (33 CFR 328.3 (a)(7))  
☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).  
☐ Other:  
☐ Section 10 waterway.

**Information Reviewed**

- ☒ U. S. Fish and Wildlife Service National Wetland Inventory: JOLIET.  
☒ U. S. Geological Survey Hydrologic Atlas: JOLIET, 89.  
☒ USDA Natural Resources Conservation Service Soil Survey for Will County.  
☒ U. S. Geological Survey 7.5-Minute Topographic Maps: JOLIET, 1993.  
☐ U. S. Geological Survey 7.5-Minute Historic Quadrangles: \_\_\_\_\_.  
☐ U. S. Geological Survey 15-Minute Historic Quadrangles: \_\_\_\_\_.  
☐ Aerials (Name & Date): \_\_\_\_\_.  
☐ Advanced Identification Wetland Maps: \_\_\_\_\_.  
☒ Site Visit Conducted on: 10 MAY 2005  
☒ Other information: RTA report on isolated wetlands dated January 7, 2005

**Rationale for Basis (applies to any boxes checked above):** The three isolated wetlands on the site are non-jurisdictional waters in the Fraction Run watershed to the Des Plaines River.

**Lateral Extent of Jurisdiction (33 CFR 328 and 329):**

Ordinary High Water Mark indicated by:

- |                                                                    |                                                                |
|--------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> shelving                              |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> other:                                |
| <input type="checkbox"/> wetland boundary                          |                                                                |

**Basis for Declining Jurisdiction:**

- ☒ Unable to confirm the presence of waters listed in 33 CFR 328.3(a)(1), 328.3(a)(2), or 328.3(a)(4) through 328.3(a)(7)  
☒ Area under consideration is likely to have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Area under consideration is not likely have been jurisdictional under pre-SWANCC Migratory Bird Rule criteria  
☐ Headquarters declined to approve jurisdiction on the basis of 328.3(a)(3) [attach copy of HQ rationale]

**Confirmation of Wetland Boundaries**

- ☒ This office concurs with your wetland delineation report dated January 7, 2004, prepared by RTA.  
☐ This office does not confirm your wetland boundary

**Recommended by:** \_\_\_\_\_**Date:** 12 May 2005**Approved by:** \_\_\_\_\_**Date:** 12 May 2005

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual (1987).

<sup>2</sup>Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Chicago  
**FILE NUMBER:** 200500128

**REGULATORY PROJECT MANAGER:** Ron Abrant

**Date:** 13 MAY 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Date:  
 At the project site (Y/N) Date: 10 MAY 2005

**PROJECT LOCATION INFORMATION:**

State: Illinois  
 County: Will  
 Center coordinates of site by latitude & longitudinal coordinates: 41-35-38 / 88-00-1  
 Approximate size of site/property (including uplands & in acres): 55  
 Name of waterway or watershed: Fraction Run to Des Plaines River

**SITE CONDITIONS:**

| Type of aquatic resource <sup>1</sup> | 0-1 ac                   | 1-3 ac                              | 3-5 ac                   | 5-10 ac                  | 10-25 ac                 | 25-50 ac                 | > 50 ac                  | Linear feet | Unknown                  |
|---------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake                                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| River                                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Stream                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Dry Wash                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Mudflat                               | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Sandflat                              | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wetlands                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Slough                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Prairie pothole                       | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Wet meadow                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Playa lake                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Vernal pool                           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Natural pond                          | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |
| Other water (identify type)           | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |             | <input type="checkbox"/> |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup> :                                      | If Known                 |                          | If Unknown<br>Use Best Professional Judgment |                                     |                                |
|---------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------|-------------------------------------|--------------------------------|
|                                                                                 | Yes                      | No                       | Predicted to Occur                           | Not Expected to Occur               | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |
| Is or would be used as habitat for endangered species?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |
| Is used to irrigate crops sold in interstate commerce?                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/>          | <input type="checkbox"/>            | <input type="checkbox"/>       |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):